Resolution Agreement
Benicia Unified School District
OCR Case Number 09-22-1398

Benicia Unified School District (the District) agrees to implement this Resolution Agreement (the Agreement) to resolve the compliance concerns and findings of noncompliance identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794; and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, and their implementing regulations in the above-referenced OCR case number.

I. Notice of Race-Based Hostile Environment and Remedies for Other Students

A. The District will convene an in-person restorative meeting with students, parents, and school community members, including but not limited to students currently enrolled in the District who attended [redacted content] (the School) during the 2021-2022 school year who may have been subjected to a hostile environment based on race, to provide restorative training on racial harassment, student and parent rights, and the District's obligations to respond to reports of race-based harassment under Title IV.

B. **Reporting Requirements**

1. Within 30 days of the execution of this Agreement, the District will provide for OCR's review and approval a draft notice (the Notice) regarding the restorative meeting described above. The Notice will include at a minimum an invitation to come learn about the District's commitment to providing a nondiscriminatory learning environment free of racial and other harassment, the rights of students and parents to file complaints and raise concerns about harassment with the District, a summary of OCR's public findings in the above-captioned case number and state that students' parents/guardians may contact a District designee(s) if they believe that a specific student was adversely impacted by a hostile race-based environment at the School during the same time period or at any other District school in more recent years.

2. Within 30 days of the start of the 2024-2025 academic year, the District will disseminate the Notice to students, including but not limited to students currently enrolled in the District who attended the School during the 2021-2022 school year.

C. Within 20 days of the Notice's dissemination and no later than the last day of the 2024 fall semester, the District will convene the above-described restorative meeting. At this meeting, the District will, among other things, provide written notice of the District's obligation to respond to and/or investigate allegations of race-based harassment, the District's policies and procedures related to such, information about

how to file a complaint or report of race-based harassment, and available interim supports and/or remedies (i.e., counseling, peer mediation, or academic remediation).

D. Within 20 days of the restorative meeting, the District will [redacted content], along with the contact information for the District employee(s) designated to respond to complaints/reports of race-based harassment, information about the District's obligation to respond to and/or investigate allegations of race-based harassment, the District's policies and procedures related to such, information about how to file a complaint or report of race-based harassment, and available interim supports and/or remedies.

E. In the event that the District receives any reports/complaints filed by students, parents/guardians, or community members after the restorative meeting, by June 1, 2025 the District will submit to OCR documentation that includes, but is not limited to, a copy of the report/complaint, a description of the steps taken to respond to the report/complaint, any interim supports and/or remedies offered, the outcome of the report/complaint, and how this outcome was communicated to the student, parent/guardian, or other individual as applicable in a manner compliant with Title VI.

II. Anti-Harassment Statement

The District will issue to all District parents/guardians, employees, and students a written statement (the Anti-Harassment Statement), stating that the District does not tolerate harassment based on race, color, or national origin. The statement will:

A. encourage any student or parent who believes they have been subjected to harassment based on race, color, or national origin, or who has witnessed such harassment, to report the incident(s) to the District and note the District's commitment to conducting a prompt, adequate, and reliable investigation and providing an effective response to stop such harassment, prevent its recurrence, and address its effects;

B. identify the individual(s) responsible for investigating reports of harassment based on race, color, or national origin; provide information about the District's Uniform Complaint Process (UCP), including the time frames for completion of such investigations and notice to complainants; and the appropriate corrective actions for individuals who engage in harassment, including, counseling, training, and/or discipline of a student or employee; and

C. state that retaliation for reporting harassment based on race, color, or national origin is prohibited and that allegations that students and/or employees have retaliated against individuals who report harassment will be promptly investigated and addressed.

D. **Reporting Requirements**

1. Within 30 days of the execution of this Agreement, the District will provide OCR with a draft of the Anti-Harassment Statement described above for review and approval.

2. Within 20 days of approval from OCR, the District will provide OCR with documentation that it has disseminated the statement and posted the Anti-Harassment Statement on the District's website.

III. Title VI Training of District and School Employees

A. By September 1, 2024, and February 1, 2025, the District will provide training to all School and District employees likely to receive reports of harassment, including principals, vice principals, compliance officers, and counselors. At a minimum, the training will provide instruction on:

1. prohibited conduct, including the definition of "harassment" and examples of harassment on the basis of race, color, and national origin;

2. the District's policies and procedures for investigating and resolving reports and complaints of harassment on the basis of race, color, and national origin;

3. the duty of all employees to promptly report alleged harassment on the basis of race, color, and national origin; and

4. a statement of the requirement that a student or parent/guardian who has reported alleged incidents of racially harassing behavior must be notified of their right to file a formal complaint pursuant to the District's policies and procedures, and be offered a copy of the procedures.

B. By September 1, 2024, and February 1, 2025, the District will provide training to all District administrators and employees who supervise the investigation of, or are involved in the processing or resolution of, complaints or other reports of harassment on the basis of race, color, or national origin. At a minimum, the training will provide instruction on:

1. the District's policies and procedures for investigating and resolving reports and complaints of harassment on the basis of race, color, and national origin;

2. how to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations; and

3. actions required in response to findings of harassment on the basis of race, color, or national origin.

C. **Reporting Requirements**

1. Within 45 days of the execution of this Agreement, the District will submit to OCR for review and approval draft training materials and the name(s), title(s)/position(s), and qualifications of one or more qualified individuals to provide the trainings required by Section III of this Agreement.

2. By October 31, 2024, the District will provide OCR with documentation that it has completed the training required in Section III.A. of this Agreement. This documentation will include the name and qualifications of the trainer(s), a copy of the training materials, and a list of attendees.

3. By February 28, 2025, the District will provide OCR with documentation that it has completed the training required in Section III.B. of this Agreement. This documentation will include the name and qualifications of the trainer(s), a copy of the training materials, and a list of attendees.

IV. Child Find, Evaluation, and Placement under Section 504 Training for District Employees

A. By February 1, 2025, the District will provide Section 504 training to all School administrators, School employees who serve students with Section 504 and Individualized Education Program (IEP) plans, and District-level employees responsible for coordinating special education and related services for students with disabilities. The training will cover at least the following topics: the District's legal obligations to provide a free appropriate public education (FAPE) to students with a disability under Section 504 and Title II; the District's obligations to respond to notice of disability discrimination, including harassment, in a reasonable, timely, and effective manner; the District's obligations to evaluate a student who needs or is believed to need special education or related aids and services because of a disability; the District's obligations to have a system of procedural safeguards with respect to any action taken regarding identification, evaluation, or placement of a student with a disability; and the District's obligation to evaluate the impact of harassment on a Student's access to FAPE and to take necessary responsive steps, if any.

B. **Reporting Requirements**

1. Within 60 days of the execution of this Agreement, the District will provide a draft to OCR of the proposed training materials (including the name and the title of the proposed trainer) for OCR review and approval.

2. Within 30 days completion of the training described in Section IV.A, the District will provide documentation to OCR that the training was conducted.

V. Climate Assessment and Plan to Prevent and Address Race-Based Harassment

A. The District will retain or designate a consultant (the Consultant) with expertise on the issue of harassment of students on the basis of race, color, and national origin. The Consultant may be an independent contractor for the District and/or an employee of the District. The Consultant will be approved by OCR. The Consultant will work with the School to develop and deliver a plan for training and other actions, if necessary, to prevent the creation of a racially hostile environment for students at the School and to promptly and effectively address incidents of race-based harassment (the Plan).

   After retaining its Consultant(s), the District will promptly provide the Consultant with all appropriate information that the Consultant believes is necessary to develop and implement the Plan. The School will work with the Consultant to review current practices and procedures, assess the School climate with regard to discrimination, including harassment, based on race, color and/or national origin, and develop the Plan. The Plan will specify the dates for each action and the individual(s) responsible, and can incorporate existing policies and initiatives, as appropriate. The Plan will include, at a minimum, the following:

B. **Climate Assessment:** The Consultant will administer a school climate survey to students and staff at the School before the end of the 2024-2025 school year. The Consultant will make recommendations to the District regarding the results of the climate survey and will incorporate their recommendations in the Plan. The Consultant's recommendations to the District will, at a minimum, address:

   1. the prevalence of race, color, and national origin-based harassment in the School;

   2. student willingness to report incidents of harassment based on race, color, or national origin to District personnel;

   3. the perception of the District's handling of such reports and complaints of harassment; and

   4. suggestions for reducing incidents of harassment in the School and improving the District's response to such reports and complaints of harassment.

C. **Student Training**: The Plan will include ongoing age-appropriate anti-discrimination training for students (the Student Training) to be delivered during the 2024-2025 and 2025-2026 school years. The Student Training will address the District's policies on race-based harassment, examples of prohibited conduct in various school settings, and the impact of harassment on the targets of harassment, witnesses, and school climate.

D. **Reporting Requirements**:

   1. Within 60 days of the retention or designation of the Consultant and no later than December 2024, the District will provide to OCR a report that includes a copy of

the proposed school climate survey, along with the District's explanation of how the District plans to implement the school climate survey. Within 30 days after the climate survey is conducted, the District will provide OCR a copy of the final survey together with a report summarizing the results of the survey, and a description of further activities, if any, the District plans in response to the survey results.

2. Within 90 days of the retention or designation of the Consultant and no later than December 2024, the District will provide OCR with a draft of the Plan for OCR review and approval.

3. Within 30 days of approval from OCR, the District will begin implementation of the Plan.

4. By July 30, 2025, the District will provide OCR with documentation that it has completed the Student Training described above for the 2024-2025 school year. This documentation will include the name and qualifications of the trainer(s), a copy of the training materials, and date(s) of the training and any other activities held for the School, as well as a summary of how the training was integrated into ongoing District and school site activities.

5. By July 30, 2026, the District will provide OCR with documentation that it has completed the Student Trainings described above for the 2025-2026 school year. This documentation will include the name and qualifications of the trainer(s), a copy of the training materials, and dates of the trainings and any other related activities held for the School, as well as a summary of how the trainings were integrated into ongoing District and school site activities.

VI. Recordkeeping

Within **30 days** of the execution of this Agreement, the District will review and develop a system to maintain documents relating to specific complaints or other reports of harassment of students based on race, color, and national origin of students to ensure that its files contain all information necessary to process such complaints and reports. At a minimum, the District will maintain documentation for each complaint or report including the following:

A. a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of harassment based on race, color, and national origin;

B. a narrative of all actions taken in response to the reports by District personnel, including any written documentation;

C. a copy of any and all disciplinary sanctions issued to students or employees for violations of the District's prohibitions on harassment based on race, color, and national origin;

D. documentation demonstrating any interim and/or remedial services offered and provided (such as counseling or other appropriate services) to the student who was subjected to the harassment, the alleged harasser, and/or witnesses of the incident(s); and

E. a narrative of all actions taken to prevent recurrence of any harassing incident(s), including any written documentation.

F. **Reporting Requirements**

1. By May 31, 2025, the District will provide to OCR copies of the documentation referenced in Section VI for the 2024-2025 school year.

2. By May 31, 2026, the District will provide to OCR copies of the documentation referenced in Section VI for the 2025-2026 school year.

3. The District will remedy deficiencies in its handling of complaints of harassment based on race, color, or national origin that OCR identifies in the reporting provided to OCR referenced in Agreement Section VI.F.1-2 above.

VII. MONITORING

By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the Agreement, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of the Agreement.

The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and the Title VI, Section 504, and Title II statutory and regulatory obligation(s) at issue in the case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable Title IV, Section 504, and Title II statutory and regulatory obligation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

Signed:

_____/s/_____ ____05/17/2024_____

Title: Superintendent Date